

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Donald J. Merkley et al.  
Application No.: 09/970,389  
Filing Date: October 2, 2001  
Group Art Unit: 1791  
Examiner: Mark Halpern  
Confirmation No.: 9683  
For: Method and Apparatus for Reducing Impurities in Cellulose  
Fibers for Manufacture of Fiber Reinforced Cement  
Composite Materials

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VIA EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE AFTER FINAL OFFICE ACTION AND  
REQUEST FOR WITHDRAWAL OF FINAL REJECTION  
(submission under 37 C.F.R. 1.116)**

Dear Sir:

The Office Action made final and mailed January 29, 2008, established a two-month shortened statutory time period to respond. Applicants submit that this Response is timely filed and requests the Examiner reconsider the finality of the Office Action, which is believed to be premature and requests the finality of the rejection be withdrawn.

Finality of the rejection is believed to be premature for the reasons set forth herein. This request is made during pendency of the application.

In view of the above and in response to the Examiner interview, Applicants submit the following:

**Amendments to the Claims** provided as a Listing of Claims that begin on page 3;

**Remarks** that begin on page 7; and

**Conclusion** that begins on page 9 of this paper.